

U.S. DISTRICT JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIMBRA LEVINGSTON,)	
)	CIVIL NO. 3:20-cv-06192-RSM
Plaintiff,)	
)	ORDER
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on July 22, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the parties' briefing and the relevant record, the Court
2 hereby GRANTS the motion and awards Plaintiff \$7,623.96 in attorney's fees, subject to any offset
3 allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560 U.S. 586, 589 – 590 (2010).
4 Payment of EAJA fees shall be made payable to David Oliver and sent to Plaintiff's attorney:
5 David Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409.
6 Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver at David Oliver &
7 Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through
8 the Federal Treasury Offset program.

9 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED.

10 DATED this 21st day of October, 2021.

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14 RICARDO S. MARTINEZ
15 CHIEF UNITED STATES DISTRICT JUDGE
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19 Presented by:

20 S/David P. OLIVER
21 David P. Oliver,
22 Attorney for Plaintiff
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